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UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/749,595	12/31/2003	Benoit Marchal	P-8223.01USDIV

27581
 MEDTRONIC, INC.
 710 MEDTRONIC PARKWAY NE
 MS-LC340
 MINNEAPOLIS, MN 55432-5604



CONFIRMATION NO. 8543

FORMALITIES LETTER



OC000000012761505

Date Mailed: 05/24/2004

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Figure(s) **8b** and **10a-10b** described in the specification.

07/27/2004 BABRAHAI 00000075 132546 10749595

01-FC-1460

-130-00-DA

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted item(s) and the petition (and petition fee) requesting the later filing date.


III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b)**. In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any

omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



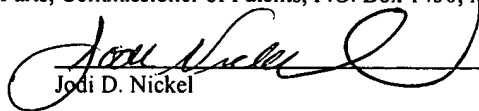
PATENT
Docket No.: P-8223.02US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Benoit Marchal	Group Art Unit:	
Application No.:	10/749,595	Examiner:	(Not Yet Assigned)
Filed:	December 31, 2003	Due Date:	
For:	Gastroelectric Stimulation for Influencing Pancreatic Secretions		

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that the paper(s), as described herein, are being deposited in the U.S. Postal Service, as first class mail, addressed to Mail Stop: Missing Parts, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 22, 2004


Jodi D. Nickel

TRANSMITTAL LETTER

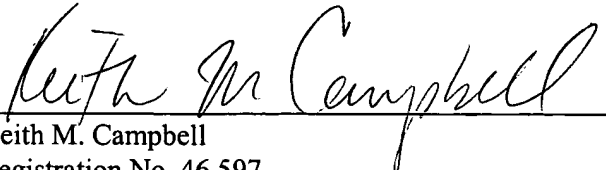
Mail Stop: Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

We are transmitting herewith the attached:

- ☒ Response to Notice Of Omitted Items of Nonprovisional Application
 - ☒ Copy of Notice Omitted Items of Nonprovisional Application - Part 2
- ☒ 11 Sheets of Corrected Formal Drawings (containing Figs. 1-10b)
- ☒ Petition Under 37 CFR 1.182
Petition Fee of \$130.00 37 CFR 1.17(h)
- ☒ Return Postcard
- ☒ Applicant believes that no extension of time is required. However, if an extension of time is required, please consider this a petition therefor to provide for the possibility that applicant has inadvertently overlooked the need for an extension of time.
- ☒ The Commissioner is authorized to charge Deposit Account No. 13-2546 in the amount of \$130.00 for the surcharge fee. A duplicate of this Transmittal Letter is enclosed.
- ☒ Please charge any additional fees or credit any overpayments to Deposit Account No. 13-2546 which may have been overlooked on this Transmittal with regard to this filing. A duplicate of this Transmittal Letter is enclosed.

Respectfully submitted,

Date: July 22, 2004



Keith M. Campbell

Registration No. 46,597

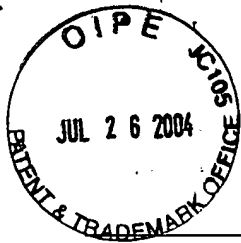
MEDTRONIC, INC.

710 Medtronic Parkway NE, MS: LC340

Minneapolis, Minnesota 55432-5604

Telephone: 763-505-0405 / Facsimile: 763-505-0411

Customer No.: 27581



PATENT
Docket No.: P-8223.02US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Benoit Marchal	Group Art Unit:	
Application No.:	10/749,595	Examiner:	(Not Yet Assigned)
Filed:	December 31, 2003	Due Date:	
For:	Gastroelectric Stimulation for Influencing Pancreatic Secretions		

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that the paper(s), as described herein, are being deposited in the U.S. Postal Service, as first class mail, addressed to Mail Stop: Missing Parts, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 19, 2004


Jodi D. Nickel

**RESPONSE TO NOTICE OF OMITTED ITEMS IN A
NONPROVISIONAL APPLICATION**

Mail Stop: Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Notice Omitted Items of Nonprovisional Application mailed May 24, 2004, please find enclosed the following documents to complete the filing requirements for the above-identified application:

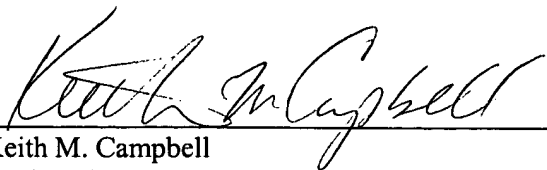
1. Response to Notice Of Omitted Items of Nonprovisional Application;
2. Copy of Notice Omitted Items of Nonprovisional Application - Part 2;
3. 11 Sheets of Corrected Formal Drawings (containing Figs. 1-10b);
4. Petition Under 37 CFR 1.182 and Petition Fee of \$130.00 37 CFR 1.17(h).

The Commissioner is authorized to charge Deposit Account No. 13-2546 in the amount of \$130.00 for the Petition fee.

The Commissioner is authorized to charge any deficiencies which may be required under 37 CFR 1.16 and 1.17, or to credit any overpayments to Deposit Account No. 13-2546.

Respectfully submitted,

Date: July 22, 2004

A handwritten signature in black ink, appearing to read "Keith M. Campbell", is written over a horizontal line.

Keith M. Campbell

Registration No. 46,597

MEDTRONIC, INC.

710 Medtronic Parkway NE, MS: LC340

Minneapolis, Minnesota 55432

Telephone: 763-505-0405

Facsimile: 763-505-0411

Customer No.: 27581